

Appl. No. 10/081,825
Amtd. dated October 13, 2003
Reply to Office Action of August 13, 2003

REMARKS/ARGUMENTS

This amendment is filed in response to the Office Action mailed August 13, 2003. At that time, claims 1-43 were pending in the application. In the Office Action, the Examiner allowed claims 25-43 and indicated that claims 3, 6-8, 17, 18, 21, and 24 contained allowable subject matter. However, claims 1, 4, 12-16, 19-20, and 22-23 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,562,304 issued to Gest (hereinafter “Gest”). Claims 2 and 9 were rejected under §103(a) as being unpatentable over Gest in view of U.S. Patent No 5,845,933 issued to Walker *et al.* (hereinafter “Walker”). Claim 5 was rejected under §103(a) as being unpatentable over Gest in view of U.S. Patent No 6,099,033 issued to Jenkins *et al.* (hereinafter “Jenkins”). Finally, claims 10-11 were rejected under §103(a) as being unpatentable over Gest in view of U.S. Patent No 6,095,561 issued to Siddiqui *et al.* (hereinafter “Siddiqui”).

By this amendment, claim 18 has been amended. In view of this change and the following remarks, the Applicants submit that all of the present claims are in a condition for immediate allowance. Favorable consideration is respectfully requested.

MINOR AMENDMENTS TO THE SPECIFICATION

By this paper, the Applicants have amended two paragraphs in the specification to correct for typographical errors. Such amendments are non-limiting and are made only to improve the form of the present application.

OBJECTION TO CLAIM 18

In the Office Action, the Examiner objected to claim 18 on grounds that the use of the term “the covering” in claim 18 lacked a proper antecedent basis. The Examiner also suggested that such an objection could be overcome by making claim 18 depend from claim 17 rather than claim 1. By this paper, the Applicants have amended claim 18 to incorporate the Examiner’s

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suggestion. Accordingly, the Applicants respectfully request that this claim objection be withdrawn.

REJECTION OF CLAIMS 1, 4, 12-16, 19-20, AND 22-23 UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1, 4, 12-16, 19-20, and 22-23 under 35 U.S.C. §102(b) as being anticipated by Gest. *See* Office Action ¶ 3. The Applicants respectfully traverse this rejection.

It is well settled that in order for a claim to be anticipated under §102(b), every limitation and element found in the claim must be disclosed or taught by the prior art reference. *See e.g.*, MPEP §2131; *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In the present case, claims 1, 4, 12-16, 19-20, and 22-23 all include the limitation that the inflator includes “a housing having a first and second end, said housing comprising corrugated material.” The Applicants submit that this limitation is not taught or disclosed by Gest.

While Gest does teach an inflator having a “housing 12,” there is no disclosure in Gest that the housing 12 “compris[es] corrugated material” as required by the present claims. To the extent that Gest’s “filter wall 90” may be considered a “corrugated material,” this filter wall 90 does not form or comprise part of Gest’s housing 12; rather, Gest teaches that the filter wall 90 is a separate and distinct component that is positioned “within the housing 12.” Gest Col. 5, lines 40-45; *see also* Figure 2; Figure 7. More specifically, Gest teaches that the filter wall 90 is a separate component that is positioned within the housing 12 such that when Gest’s inflator 10 is deployed, the filter wall 90 filters out the particulate matter and cools the inflation gas prior to allowing the inflation gas to pass through the openings 46 in the housing 12. *See e.g.*, Gest Col. 8, line 26-Col. 9, line 11; Col. 5, lines 40-45; Figure 2; Figure 7.

Therefore, because Gest’s filter wall 90 does not comprise a portion of the housing 12, Gest cannot be interpreted as teaching a system having a housing that comprises corrugated material. Accordingly, Gest fails to teach or disclose all of the limitations found in claims 1, 4,

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12-16, 19-20, and 22-23, and as a result, Gest does not anticipate these claims under §102(b). Withdrawal of this rejection is respectfully requested.

REJECTION OF DEPENDENT CLAIMS 2, 5, 9, AND 10-11

In the Office Action, the Examiner rejected dependent claims 2 and 9 under §103(a) as being unpatentable over Gest in view of Walker. *See* Office Action ¶ 5. According to the Examiner, Walker disclosure that the inflator be made of aluminum satisfies the limitations of claims 2 and 9. *See id.* Claim 5 was also rejected under §103(a) as being unpatentable over Gest in view of Jenkins. *See* Office Action ¶ 6. According to the Examiner, Jenkins disclosure that the housing be made of steel satisfies the limitations outlined in claim 5. *See id.* Lastly, claims 10-11 were also rejected under §103(a) as being unpatentable over Gest in view of Siddiqui. *See* Office Action ¶ 7. According to the Examiner, Siddiqui discloses a system having solid fuel tablets and stored inert gas as outlined by claims 10 and 11. *See id.* In response, the Applicants respectfully traverse these rejections and assert that these references do not render the present claims *prima facie* under §103(a).

It is well established that in order for a claim to be *prima facie* obvious in light of a combination of prior art references, all of the limitations and elements found in the claim must be taught or suggested by the references. *See* MPEP §2153.03. In the present case, claims 2, 5, 9, and 10-11 depend from claim 1, and as such, these claims include the limitation found in claim 1 that requires the inflator to have a “housing having a first and second end, said housing comprising corrugated material.” As noted above, such a limitation is not taught or disclosed by Gest. The Applicants submit that Walker, Jenkins, and Siddiqui likewise fail to teach this limitation as none of these references teach or suggest a housing that comprises a corrugated material.

Accordingly, because none of the cited reference teach or suggest a system that has a housing comprising a corrugated material, all of the limitations and elements found in dependent

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claims 2, 5, 9, and 10-11 have not been taught or suggested by the cited prior art references. As a result, these references do not render claims 2, 5, 9, and 10-11 *prima facie* obvious under §103(a). *See* MPEP §2143.03. Withdrawal of these rejections is respectfully requested.

CONCLUSION

In view of the foregoing, the Applicants submit that claims are in a condition for immediate allowance. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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Date: 10/13/03

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